

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
-against-
BRANDON GREEN,
Defendant.

ORDER

16 Cr. 281 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

As discussed at today's teleconference, on November 19, 2020, this Court issued an order (Dkt. No. 907) directing Defendant Brandon Green to submit an executed Attorney-Client Privilege Waiver form and an affidavit setting forth his claims of ineffective assistance against his former lawyers by December 9, 2020. As of today's date, neither the waiver form nor the affidavit has been submitted. On today's call, Green asserted that he has not been provided with either the waiver form or the Court's November 19, 2020 Order. Accordingly, the Government and defense counsel are directed to take all steps necessary to ensure that Green receives as soon as possible (1) the waiver form; (2) a copy of the Court's November 19, 2020 Order; and (3) a copy of today's Order. As discussed at today's conference, if Green does not – **by February 9, 2021** – submit an executed waiver form and the affidavit setting forth his claims of ineffective assistance, the November 19, 2020 Order will be vacated, and this Court will set a date for sentencing.

The jury's verdict was returned on March 27, 2019. While – for the reasons discussed in the Court's November 19, 2020 Order – it is preferable that Green's ineffective assistance claims be heard now, sentencing cannot be delayed indefinitely. Accordingly, if

Green does not submit the waiver form and affidavit as directed by February 9, 2021, the Court will proceed to sentencing.

Dated: New York, New York
January 5, 2021

SO ORDERED.

Paul G. Gardephe

Paul G. Gardephe
United States District Judge